

REMARKS

STATUS OF CLAIMS

The present application contains prior Claims 1-24 and added Claims 25-28.

As to allowable claims, Claims 19-24 are allowed, and Claims 4, 5, 7, 11, 12, 17 and 18 are indicated as being allowable if rewritten in independent form.

As to claim rejections, Claims 1, 6, 14 and 16 are rejected under Section 103 over Brooks in view of Ackerly, and Claims 2-3, 8-10, 13 and 15 are rejected under Section 103 over Brooks, Ackerly and Takagi. Of these rejected claims, Claims 1, 2, 6, 8, 14, 15 and 16 are independent claims, and are discussed individually herein.

Applicants request consideration of added Claims 25-28.

STATUS OF AMENDMENTS

All prior amendments have been entered.

Claims 1, 2, 3, 6, 8, 14, 15 and 16 are further amended for clarity with Claims 1, 2 and 6 amended to reference "support structure" upon which a multi-component "glass panel assembly" is mounted. Claims 8, 14, 15 and 16 are amended to reference a "glass panel assembly".

SUMMARY OF THE INVENTION

The present invention relates to an arrangement of office furniture comprising space-dividing wall panels. Such wall panels, as disclosed, have an interior panel frame to which multi-component glass panel assemblies are mounted. The glass panel assemblies comprise a sheet of glass with an edge rail arrangement supporting the glass edge, which edge rail arrangement comprises an edge rail that has a fixing channel that receives the glass edge. The fixing channel is defined by channel walls which grip the sheet of glass without the

necessity of adhesives, rubber sealing strips or other conventional structures.

The glass panel assembly as claimed, which has the edge rail fitted onto the sheet of glass is unique and is not disclosed by the prior art. While the cooperation of the edge rail with the sheet of glass is the primary focus of the claims, the discussion of the prior art rejections is more fundamentally directed to the basic combination of references which equates an add-on electrical raceway and a basic wall panel with Applicants' glass edge rail and a sheet of glass. Applicants respectfully submit the prior art does not provide any teaching of an office furniture component or wall panel with a glass edge rail on a sheet of glass which glass panel assembly is supported on a support structure or base frame of a wall panel.

#### SUMMARY OF REJECTIONS

The rejections are primarily based on Brooks in view of Ackerly.

Brooks is characterized as disclosing a "rigid frame member (21)" although more accurately, reference numeral 21 is in fact an "H-shaped channel" of a telecommunications "raceway 20". It is noted this raceway 20 is added onto the top edge of a conventional wall panel to carry cabling therein.

Ackerly is characterized as disclosing a "glass panel (164)" although more accurately, reference numeral 164 is a "glass pane". The glass pane 164 is supported in a "marginal structural frame", which marginal frame is then mounted to an interior panel frame.

Therefore, as best understood, Brooks and Ackerly are cited as suggesting that the wall panel 16 of Brooks may be a glass pane like pane 164 although Applicants request clarification for appeal since the rejection might be open to two readings.

In particular, the statements in the prior Office Actions imply that the Brooks/Ackerly rejection supposes replacement of the Brooks wall panel 16 with the pane of glass 164 from Ackerly rather than the multi-component glass-supporting wall panel 43 of Ackerly. The Office Action includes the statement that Ackerly teaches "it is known in the art to provide office furniture with a glass panel (164)".

It is noted that reference numeral 164 is not a "panel" in the sense of the multi-component space-dividing wall panel 43 or the "window construction 50" but is in fact a "glass pane" which is only one component of the multi-component "glass-supporting partition panel 43". By these references to the "pane" of glass 164, Applicants interpret the rejection to allege replacement of the Brooks wall panel 16 with the Ackerly pane of glass 164. However, this position contradicts the dictates of the courts discussed below by not considering the references in their entirety and requires selection of an isolated component of Ackerly without regard to the teachings of both Brooks and Ackerly as a whole. Applicants believe this understanding of the rejection is accurate since this interpretation as argued in the last response was not contested in the last Office Action.

If Ackerly is cited instead for a multi-component wall panel 43 which has sheets of glass mounted thereon, then Applicants do not disagree the raceway 20 of Brooks could be mounted on the top edge of the multi-component wall panel 43 as discussed further herein. However, this multi-component wall panel when provided with the raceway of Brooks does not result in Applicants' claimed invention.

The following discussion addresses both of these possibilities.

INTERPRETATION OF APPLIED PRIOR ART

As to the prior art and the combined teachings thereof, Applicants respectfully submit that the combined teachings of Brooks and Ackerly do not disclose, teach or suggest Applicants' claimed invention.

A proper evaluation of these references requires an evaluation of the combined teachings of these references which necessarily requires an evaluation of the teachings of these references in their entirety. The remainder of this section specifically addresses the teachings of Brooks and Ackerly individually and in combination, with the claims being discussed individually in later sections.

As to the reference in the Office Action to the Keller and Merck cases, Applicants' past and current analysis of the prior art is believed to be in full accord with the holdings of these cases. The Office Action seems to infer that the prior art may not be discussed individually, yet this is the very process specifically required to analyze the prior art in its entirety and to determine what this combined prior art fairly teaches to the skilled artisan.

It is noted that the Merck case not only includes the sentence referenced in the Office Action, but in the very next sentence of the court opinion, also states:

The prior art "must be read, not in isolation, but for what it fairly teaches in combination with the prior art as a whole."

In re Merck & Co., Inc., 231 USPQ 375, 380 (CCPA 1986)

All Applicants have attempted to do is analyze the entirety of each reference and not just isolated parts, and then consider these references, not in isolation from other references, but in combination therewith. This necessarily requires an evaluation of the teachings of each reference and it is impossible to properly perform a Section 103 analysis without

such an evaluation of the references. In this regard, appellate court precedent also has stated that:

"The ever present question in cases within the ambit of 35 U.S.C. 103 is whether the subject matter as a whole would have been obvious to one of ordinary skill in the art following the *teachings* of the prior art at the time the invention was made."

In re Wesslau, 147 USPQ 391, 393 (CCPA 1965)

Importantly, this precedent admonishes that:

"It is impermissible...to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggest to one of ordinary skill in the art."

Id.

Accordingly, precedent including the Keller and Merck cases does require an evaluation of all parts of a reference to give a full appreciation of what this reference teaches. This is the very point which Applicants have made and will continue to make. Brooks and Ackerly must both be analyzed as to all of the parts of these references and what these parts in their entirety teach the skilled artisan. If Applicants argue points from the individual references, it is because these teachings from a reference are necessary to fully understand the entire reference and avoid an impermissible focus on isolated features without regard to the remaining teachings of a reference.

Therefore, when properly viewing the references, Brooks and Ackerly at best teach the provision of the Ackerly wall panel 43 with the Brooks raceway 20 on the top edge thereof. The references do not teach that the Brooks wall panel 16 would be replaced with the pane of glass 164 from Ackerly. When properly construed, Brooks and Ackerly do not teach Applicants' claimed invention.

In support, Exhibit 1 is attached hereto which discloses the proper interpretation of the combined teachings of Brooks and Ackerly.

Figure A of Exhibit 1 combines Figure 2 of Brooks and Figure 1 of Ackerly.

Brooks Figure 2 discloses a cabling raceway 20 being fitted onto the divider 16, i.e. wall panel 16 of Brooks. The raceway 20 is part of a system of raceways which fit onto the top of the wall panels 16. The lower legs 52 (Brooks Figure 6) of the raceway 20 "engage the upper portion of the work station divider".

As to the nature of the Brooks dividers 16, these dividers 16 only represent conventional wall panels and not a sheet of glass. Column 1, lines 33-35 of Brooks generally discusses divider walls of this type and specifically state that "Most divider walls have a fabric covering but they could be covered with a plastic sheet or metal cladding." Further, Column 1 references exemplary wall panels for the invention and specifically references a number of patents including US Patent No. 4 685 255. The '255 relates to Herman Miller's well known Ethospace system which uses internal rigid frames and cover tiles. Hence, contrary to the statement in the Office Action, Applicants characterization of the Brooks wall panels on Page 13 of the prior Response is firmly supported by the disclosure of Brooks.

Ackerly Figure 1 illustrates the arrangement of partition or wall panels 43 and 44 with partition panel 43 being a "glass-supporting" wall panel. This wall panel 43 is a multi-component panel having an internal rigid frame 52 with demountable cover panels 54 and window constructions 50 that have a glass pane 164 supported by a marginal structural window frame (Figure 20B) which window frame then mounts to the internal frame 52 (Figure 27). Thus, the glass pane 164

is merely a single component of a multi-component wall assembly.

Ackerly never teaches or suggests that a multi-component wall panel thereof could be replaced with a single-sheet of glass. At best, the Ackerly wall panel 43 is equivalent to the Brooks wall panel 16, and hence, Exhibit Figure B shows the Brooks raceway 20 being provided on the Ackerly wall panels 43/44 which would be the only result if the teachings of Brooks and Ackerly were combined.

As can be seen, Brooks and Ackerly, even if combined, do not disclose a glass panel with an edge rail mounted to the edge of a sheet of glass as defined in Applicants' claimed invention.

To overcome this deficiency, the rejection would require replacement of the entire divider, i.e. wall panel 16 with only a single pane of glass 164. This would require ignoring the very teachings of Ackerly that the glass pane 164 is supported in its own marginal frame which frame is then supported on the internal panel frame. The glass pane 164 is relatively thin as seen in Ackerly Figure 21, and requires a marginal frame and Ackerly provides no teaching to use the glass pane 164 separate from any frame structure and then mounting the Brooks raceway 20 on the top edge thereof.

Applicants respectfully submit that the foregoing discussion of Brooks and Ackerly and the distinctions thereof must be taken into account in order to determine the teachings of the references in combination and in their entirety. To merely reference Ackerly's pane of glass 164 without full consideration of the remaining parts of Ackerly is believed to be an impermissible selection of an isolated element.

The following discussion turns next to the individual claims.

Claim 1:

Independent Claim 1 defines a furniture component with a support structure and a glass panel assembly supported on the support structure. The glass panel is defined by a sheet of glass and an edge rail.

As stated above, the Brooks divider 16 would not be replaced with the glass pane 164. Even if so, this still does not disclose, teach or suggest a multi-component glass panel assembly in turn supported on a support structure positionable within an office area. Hence, such an interpretation of Brooks and Ackerly still does not disclose a glass panel assembly supported on a support structure of an office furniture component that is positionable in an office area.

Secondly, if the Brooks raceway is applied to the Ackerly wall panel 43, the Brooks raceway is not mounted on the edge of a sheet of glass and hence, cannot be the edge rail as claimed. The raceway 20 only mounts on a wall panel 16 and hence would only mount on an Ackerly wall panel such as 43. In such case, the raceway 20 does not have a channel which receives an edge of glass and does not have channel walls which contact opposite glass faces of a sheet of glass like in Claim 1. The raceway has a width corresponding to the entire thickness of the wall panel 43 and is much greater than a single pane of glass. The skilled artisan would readily appreciate that the raceway 20 only contacts the two different sides of a wall panel and specifically, the covering material or horizontal top frame rail thereof.

Hence, Claim 1 as well as new dependent Claims 25-27 are believed allowable.

As to Claims 25-27, Claim 25 defines the glass panel assembly as being maintained in a fixed orientation by the support structure, Claim 26 defines the edge rail as being extruded metal, and Claim 27 defines the support structure as



carrying the weight of the glass panel assembly. Such features are not disclosed by the prior art.

Claim 2:

Independent Claim 2 defines the glass panel as including a sheet of glass and a plurality of edge rails on the glass edge which glass panel is mounted on a support structure that is positionable in an office area.

First, the applied references do not disclose the Brooks raceway applied to a single sheet of glass and in fact teach away from this arrangement. Even under this alleged interpretation of Brooks and Ackerly, this combination does not disclose supporting a glass panel assembly on a support structure. As discussed above, the combination of Brooks and Ackerly does not disclose a multi-part glass panel mounted on a support structure, or the glass edge having opposite faces in tight-fitting gripping contact with the channel walls.

Further, Claim 2 defines the sheet of glass as having a plurality of rails mounted thereon. Brooks, however, only discloses one raceway on the top edge of a single wall panel. Brooks does not disclose, teach or suggest providing the raceway 20 on any other edge since the bottom divider edge is in direct contact with the floor and the vertical divider edges are engaged with sidewardly adjacent wall panels.

Claim 2 also defines a projection which contacts the glass face. Takagi is cited as disclosing a square projection which could be applied to the Brooks raceway 20. However, such a projection would not be applied to raceway 20 since it has a square side and would interfere with mounting of the raceway 20 on the wall panel 16. Takagi overcomes this problem by having hinged side walls on the inspection opening frame, which feature is not and would not be provided on the Brooks raceway 20.

In view of the foregoing, Claim 2 is believed allowable in addition to allowable dependent Claims 4 and 5.

Claim 28 defines the edge rail as being along a vertical edge of the sheet of glass which feature is not disclosed, taught or suggested by Brooks as discussed above.

Claim 3:

Dependent Claim 3 defines the projection as a peak, which feature is alleged to be old in the art. Takagi, however, teaches away from this arrangement in that it has hinged sidewalls. The mere fact a modification could be made does not make the modification obvious absent a teaching in the art to do so.

Further, the art does not teach fitting an edge rail on a sheet of glass in tight-fitting gripping contact wherein the peak would contact the glass. This provides a continuous curving surface as the channel wall deflects to maintain continuous point contact with the glass face, and provides a distinct advantage and improvement over prior art glass rails which required separate gaskets to hold the glass edge.

Claim 6:

Independent Claim 6 defines an office furniture component with a support structure positionable in an office area and a glass panel having a sheet of glass and edge rail sections.

As discussed above, Brooks and Ackerly do not disclose, teach or suggest an edge rail on a sheet of glass, much less multiple edge rails thereon. Further, the prior art does not disclose an edge rail with channel walls wherein the glass is in tight fitting gripping contact with the glass edge, and does not disclose the combination of a glass sheet and edge rails to form a glass panel assembly supported on a support structure.

Brooks and Ackerly at best disclose a raceway on the Ackerly wall panel, but even then, if the Brooks wall panel 16 was replaced with a sheet of glass, Brooks does not disclose the wall panel 16 disposed on a support structure of the

furniture component since the wall panels 16 are self-supporting.

Hence, Claim 6 is believed patentably distinguishable from the art of record.

Claim 8:

Claim 8 defines a wall panel with a base frame defining a periphery of the wall panel, and a glass panel assembly supported on the base frame.

The combination of Brooks and Ackerly never discloses the raceway supported on a sheet of glass and then mounted on a peripheral panel frame. Specifically, the rejection on pages 3 and 4 of the Office Action is not believed to reference any structure alleged to be the panel frame which defines a periphery of the wall panel and supports a glass panel assembly thereon, which assembly comprises both edge rails and a sheet of glass.

If the Brooks raceway 20 is mounted on the Ackerly wall panel, or even a single sheet of glass, there is no other frame on which this raceway/glass assembly would be supported much less a wall panel base frame defining a periphery of the wall panel. In fact, if the Ackerly partition panel 43 is used, this structure already includes a peripheral panel frame such that another wall panel frame would not be provided since a single wall panel would have two frames which is illogical. Further, the rejection does not disclose an open interior of a wall panel frame wherein the glass panel overlies the open interior.

Also as discussed above, the prior art does not disclose the plurality of edge rails on the sheet of glass, a channel tight fittingly receiving the glass edge wherein opposing interior channel surfaces abut against the opposite glass faces. Further, the projection on a channel wall is not disclosed, taught or suggested by the art.

Accordingly, all of Claims 8-13 are believed allowable.

Claim 13:

This dependent claim defines the channel wall opposite the projection as being flat in face-to-face contact with the opposing glass face, wherein a projection is provided on the other channel wall. The Brooks raceway does not include a flat wall and a wall with a projection and neither does Takagi. There is no disclosure, teaching or suggestion of modifying Takagi to construct the invention defined by Claim 13.

Claim 14:

Independent Claim 14 defines a peripheral load-bearing frame of a wall panel which supports a glass panel assembly thereon by connector parts. This combination is not disclosed by the prior art.

The rejections as formulated do not clearly disclose, teach or suggest the peripheral panel frame.

Further, the prior art does not disclose the claimed glass panel assembly being supported on the frame by connector parts. The Brooks raceway even with a sheet of glass does not have any connector parts connecting these pieces to a peripheral frame of a wall panel.

The Office Action does allege that the "panel (16) of BROOKS is supported by connector parts (52)". The undersigned fails to understand this statement. The parts 52 are the depending legs of the raceway which fit on the panel edge of the panel 16. Aren't these the alleged channel walls of Applicants' claimed edge rail. If so, how can parts 52 also be the connector parts attaching the glass panel assembly to a peripheral frame. Further, even though the Office Action refers to parts 51 as being channel walls, parts 51 project vertically to receive cables therein and do not receive any edge of any wall panel much less connect the raceway to a peripheral frame. Hence, if wall panel 16 was replaced with a sheet of glass (which would not occur), then parts 51 could

not be equivalent to the channel walls, and hence if parts 52 were considered to be channel walls, what are supposed to be the connector parts which connect a glass panel to a peripheral frame of a wall panel? Further, the wall panel 16 is not supported by parts 52 since the wall panel supports itself, and then supports the raceway on the top edge thereof.

Here again, claim language has not been given due consideration relative to the prior art and for these reasons, Claim 14 is clearly allowable.

Claims 15 and 16:

These claims also define a peripheral frame with a glass panel assembly mounted thereon. The prior art rejections do not disclose, teach or suggest this combination as discussed above and hence, these claims as well as dependent Claims 17-18 are allowable.

Claim 17:

This claim defines the fixing channels as supporting the glass edges along the entire vertical height of the wall panel. The prior art rejections do not disclose this feature, since the raceway 20 is never applied to a vertical panel edge and would not be applied thereto.

Claim 18:

This claim defines additional edge rails at the bottom and top of the glass. The Brooks raceway 20 is never applied to a vertical panel edge and would not be applied thereto.

In conclusion, the combination of references do not disclose the basic combination of a support structure or panel frame having a glass panel assembly as claimed mounted thereon. To construct the glass panel assembly, the rejections are believed to ignore the absence of a support structure or panel frame on which the glass panel assembly is supported. Since the rejections do not define the basic combination, the prior art also does not therefore disclose

the specific features of the claimed glass panel assembly when claimed as part of this combination.

Further and favorable consideration of this application is respectfully solicited. If any rejections remain, Applicants undersigned representative formally requests scheduling of an Examiner Interview to discuss the rejections in detail.

Respectfully submitted,

  
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Encl: Exhibit 1  
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